

Federal Defenders OF NEW YORK, INC.

Southern District
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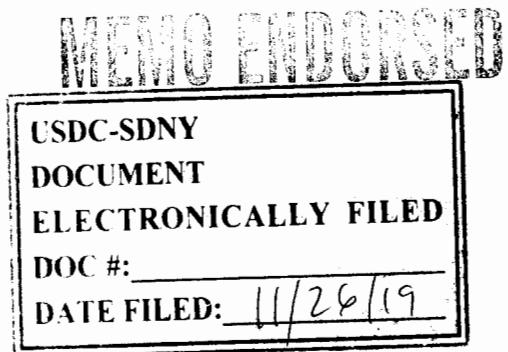
Southern District of New York
Jennifer L. Brown
Attorney-in-Charge

November 25, 2019

BY ECF

Honorable Ronnie Abrams
United States District Judge
Southern District of New York
New York, New York 10007

Re: United States v. Jesus Wilfredo Encarnacion
19 Cr. 118 (RA)



Dear Judge Abrams,

On November 20, 2019, the government filed a notice of its intent to disclose and use certain materials obtained pursuant to 50 U.S.C. § 1806(c) (FISA notice). I have conferred with the government and the parties believe that this FISA notice means that it is no longer necessary to brief the legal question of the “use” of these materials, which was discussed at the last conference. However, FISA provides for a separate process for a defendant to move to suppress these materials (50 U.S.C. § 1806(e)), which may require additional time to complete. Accordingly, at this point, the parties respectfully request some additional opportunity to confer about this matter and, if necessary, to propose a briefing schedule to the Court to address any motion to suppress the FISA materials.

Respectfully submitted,

/s/ Sarah Baumgartel
Sarah Baumgartel, Esq.
Assistant Federal Defender
Tel.: (212) 417-8772

cc: AUSA Kimberly Ravener (by ECF)
AUSA David Denton (by ECF)

Application granted. After conferring, the parties shall file a joint letter as to whether briefing on this issue is necessary and, if so, with a proposal for a briefing schedule. The parties shall file this joint letter no later than December 4, 2019.

SO ORDERED.



November 26, 2019